



**Francis W. Seebald**  
18801 East Shoreland Avenue  
Rocky River, Ohio 44116  
440-331-5251

February 28, 2005

United States Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Attention: G. Marie Watts, Enforcement Specialist

Subject: Special Notice of Liability for Himco  
Dump site, Elkhart, Indiana  
Dated January 31, 2005

Dear Madam:

Responding to our telephone conversation on Wednesday, February 23, 2005 and in reply to my indictment by the U.S. Environmental Protection Agency citing me as a potential responsible party and therefore responsible for rehabilitating the Himco Dump Site, Elkhart, Indiana designated by the Agency as a toxic dump site, I offer the following information without prejudice.

Triangle Products is a one-person startup venture engaged in attempting to create new products for the market. At the beginning of this new venture, two products were produced successfully and were to be marketed from the residence of the owner to retailers and to Internet customers. During the development of this fledgling venture, a dozen or more Ohio companies were provided with much needed business. Triangle Products contract activities for product production and services were with Ohio companies only, none with Indiana entities nor were any of its products sold in Indiana.

To further explain, Triangle Products was engaged in the development of two new products working on the initial conception, parts production, assembly, packaging and a sales strategy. The first product (Enclosure "1") was successfully completed in 1997 and the first sum of 1,000 pieces are currently stored in my garage. The second product (Enclosure "2") was also

completed on June 28, 1998 and, except for one box of 60 pieces, were being held in temporary storage by the packager, The Plastic Works, Inc., 19851 Ingersoll Drive, Rocky River, Ohio 44116.

Soon after June 28, I had made enough room to accept the second product. I called for my goods but the packager, The Plastic Works, Inc., did not then or thereafter produce my goods to me. The next suggestion as to where my goods might be was the receipt of the U.S. EPA Special Notice of Liability for the Himco Dump Site and dated January 31, 2005.

My missing goods are as follows:

COUNT	PRODUCT	PRODUCT DESCRIPTION	CONTAINERS KIND	NUMBER	COST EACH	TOTAL COST
1021	Putter Cup	4'x8' blister card with target product attached	Box	14 ±	\$.46	469.66
1419	Putting Targets	Paper tubes 2"x1 3/4" wide	1 Plastic Bag	1	.10	141.90
2000	Blister Cards	Blister Cards without blister	Box	2	.105	210.00
						<hr/> \$821.56

The total volume of the missing goods if they are found to be in the Himco dump is infinitesimally small when contrasted to the total volume of Dump Site, i.e. 16 boxes and one plastic bag. The composition of these products can hardly be called hazardous material since they are approximately 99.5% paper and .5 plastic end caps, the type of material discarded by millions of households daily.

The only material released into the public domain and identified as Triangle Products are the products of value listed above. The premature release of the goods by the action of a third party was unauthorized by Triangle Products. Triangle Products claims the right of recovery of its goods.

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In summary, Triangle Products:

1. admits:
  - a. the loss of certain goods on or after June 28, 1998 by the unauthorized action of a third party; the loss occurring at The Plastic Works Inc., 19851 Ingersoll Drive, Rocky River, Ohio 44116.
2. denies:
  - a. that is willingly and knowingly deposited hazardous substances at Himco Dump Site, Elkhart, Elkhart County, Indiana,
3. disputes:
  - a. the ruling by U.S. EPA wherein it has found the product (Enclosure "2") to be a hazardous substance.
4. claims:
  - a. the right to recover its valuable goods.

Enclosed you will find examples of the two products produced by Triangle Products. Enclosure "1", the Straight Shot Marker, all 1,000 pieces are stored at my residence and have not been released into the public domain. Enclosure "2", the Putter Cup, is enclosed in order for you to compare what I lost to what you found and identified as Triangle Products.

It should be imminently clear that I, Francis W. Seebald, doing business as Triangle Products in the State of Ohio, is not and could not be a Potentially Responsible Party (PRP) for Himco Dump Site, Elkhart, Indiana and such designation has caused great harm to the designee and to Triangle Products.

Accordingly, I respectfully request an early favorable resolution removing Triangle Products and Francis W. Seebald from the list of PRPs for Himco Dump Site, Elkhart, Indiana by a letter confirming such action for the record.

Very truly,

Francis W. Seebald

Enclosures

Enclosure "1" Straight Shot Marker  
Enclosure "2" Putter Cup